

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICARDO CASTRO, <i>et al.</i> ,	:	
	:	
Plaintiff,	:	
	:	
- against -	:	17-CV-1205 (VSB) (JW)
	:	
	:	<u>OPINION & ORDER</u>
AABC CONSTRUCTION, <i>et al.</i> ,	:	
	:	
Respondent.	:	
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Appearances:

Christopher Roesch Neff
Moskowitz Colson Ginsberg & Schulman, LLP
New York, New York

Chaim B. Book
Book Law LLP
New York, New York
Counsel for Plaintiffs

David Henry Wander
Alexander Tiktin
Tarter Krinsky & Drogin LLP
New York, New York
Counsel for Defendants

VERNON S. BRODERICK, United States District Judge:

On January 5, 2023, I entered a default judgment as to liability against Defendants AABC Construction, Inc., also known as AABC Plumbing, and Daniel Sheeri in favor of Plaintiffs Ricardo Castro (“Castro”) and Jeff Jackson (“Jackson”). (Doc. 177.) This matter was then referred to Magistrate Judge Jennifer E. Willis for an inquest on damages. (Doc. 178.) Judge Willis issued an unopposed report and recommendation (the “Report and Recommendation”) on April 14, 2023. (Doc. 192.) The Report and Recommendation recommends that Plaintiffs be awarded (1) damages for violations of the wage notice and wage statement provisions of the New York Labor Law

(“NYLL”) in the amount of \$20,000.00; (2) damages for unpaid overtime wages under the NYLL in the amount of \$188,454.91; (3) liquidated damages in the amount of \$188,454.91; (4) attorneys’ fees and costs in the amount of \$187,012.00; and (5) pre- and post-judgment interest, for a total of \$583,921.82, plus applicable interest. Having reviewed the Report and Recommendation, I ADOPT it in its entirety.

In reviewing a magistrate judge’s report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within 14 days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews de novo the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and recommendation for clear error. *Santana v. Comm’r of Soc. Sec.*, 17-CV-2648 (VSB) (BCM), 2019 WL 2326214, at *1 (S.D.N.Y. May 30, 2019); *Marte v. Berryhill*, 17-CV-3567 (VSB) (JLC), 2018 WL 5255170, at *1 (S.D.N.Y. Oct. 22, 2018); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

Judge Willis states in the Report and Recommendation that “[p]ursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen days from service of this Report to file written objections.” (Doc. 192 at 19.) The Report and Recommendation was issued on April 14, 2023, and objections were due by April 28, 2023. To date, no party has objected to the Report and Recommendation or sought additional time to do so. Accordingly, I have reviewed Judge Willis’s thorough and well-reasoned Report and Recommendation for clear error and, after careful review, found none.

Accordingly, I ADOPT the Report and Recommendation in its entirety. The awarded

damages, pre- and post-judgment interest, and attorneys' fees are confirmed. Specifically, Plaintiff Castro is awarded the following:

1. Damages in the amount of \$182,312.50, representing:
 - a. \$86,156.25 in overtime;
 - b. \$86,156.25 in liquidated damages; and
 - c. \$10,000.00 in statutory damages.
2. Pre-judgment interest calculated at the rate of nine percent per annum on the unpaid wage sum of \$86,156.25, to be calculated by the Clerk of Court from September 8, 2014, to the date of entry of the final judgment.
3. Post-judgment interest in an amount to be calculated by the Clerk of Court, pursuant to 28 U.S.C. § 1961.

Plaintiff Jackson is awarded the following:

1. Damages in the amount of \$214,597.32, representing:
 - a. \$102,298.66 in unpaid wages and overtime;
 - b. \$102,298.66 in liquidated damages; and
 - c. \$10,000.00 in statutory damages.
2. Pre-judgment interest calculated at the rate of nine percent per annum on the unpaid wage sum of \$102,298.66, to be calculated by the Clerk of Court from September 16, 2013, to the date of entry of the final judgment.
3. Post-judgment interest in an amount to be calculated by the Clerk of Court, pursuant to 28 U.S.C. § 1961.

Plaintiffs shall also be awarded attorneys' fees and costs in the amount of \$187,012.00, for a total of \$583,921.82, plus applicable interest.

SO ORDERED.

Dated: May 9, 2023
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

Vernon S. Broderick
United States District Judge